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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,416	09/27/2001	Masahiro Numata	Q66412	8972

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SUGHRUE, MION, ZINN, MACPEAK & SEAS
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EXAMINER
CHANG, SHIRLEY

ART UNIT	PAPER NUMBER
2612	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/963,416	Applicant(s) NUMATA ET AL.	
	Examiner Shirley Chang	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 U.S.C. § 103

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim(s) 1-18 is/are rejected under 35 U.S.C. § 103(a) as being unpatentable over Young (20050044567) in view of Entwistle (EP 1028589).

As to claims 1 and 11,

Young discloses:

A program guiding method and corresponding apparatus comprising: a program adding device for adding desired programs ([0108]; [0111]; [0112]);

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a program scheduling device for scheduling programs to be received ([0043]; [0046], [0067])

and a display device for displaying information about said added programs and information about said scheduled programs ([0049]; [0079]);

while arranged in a single two-dimensional program guide screen at locations corresponding to respective time slots along a time axis (fig. 1 [0063]).

Young fails to specifically teach wherein a first program of said added programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, wherein, when the first program contends in a same time slot of the second program, said display device display a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program.

In an analogous art, Entwistle discloses wherein a first program (film continues, fig. 5) of said added programs and said scheduled programs has a higher priority (film is a higher priority because is viewed even though the music program has started) than a second program (music, fig. 5) of said added programs and said scheduled programs [0015].

wherein, when the first program contends in a same time slot of the second program (the film continues program continues into music time slot), said display device display a

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first break mark at a first end of the first program (the first part of the the slant at the end of film continues) to indicate that the first program overlaps a first portion of the second program ([0015]; [0005-0006]; [0009]; [0012-0013]).

It would have been obvious to one of ordinary skill in the art to modify Young's system to teach wherein a first program of said added programs and said scheduled programs has a higher priority than a second program of said added programs and said scheduled programs, wherein, when the first program contends in a same time slot of the second program, said display device display a first break mark at a first end of the first program to indicate that the first program overlaps a first portion of the second program, as taught by Entwistle, so as to illustrate to the viewer the extent of delay and overlap of programming times.

As to claim 2, Young discloses:

said program scheduling device schedules programs selected from said programs added by said program adding device ([0108]; [0111]; [0112]).

As to claim 3, Young discloses:

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said two-dimensional program guide screen includes a first area for displaying said information about said added programs and a second area for displaying said information about said scheduled programs, said first and second areas being displayed while distinguished from each other ([0062]; [0063]; [0108]; [0113]).

As to claim 4, Young discloses:

each of said program adding device and said program scheduling device allows a plurality of programs to be added, said plurality of programs contending in whole or part of a time slot; and even if a plurality of said added programs or said scheduled programs contend in whole or part of said time slot, said display device displays information about each of said contending programs in said two-dimensional program guide screen in a visually recognizable manner (fig. 1 [0108]).

As to claim 5, Young discloses:

said two-dimensional program guide screen includes areas corresponding to entry types, and displays said information about said added programs in a corresponding one of said areas ([0046]; [0043]; [0067]).

As to claim 6, Young discloses:

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each of said entry types is dedicated to a different user (each different user can record a different program [0046]; [0043]; [0067]).

As to claim 7, Young discloses:

said information about said programs displayed while arranged in said two-dimensional program guide screen is moved in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs [0111].

As to claim 8, Young discloses:

if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs and said information about said scheduled programs, which are displayed while arranged in said two-dimensional program guide screen, are exchanged in a visually recognizable manner to change said added programs to said scheduled programs and said scheduled programs to said added programs ([0111]; [0112]).

As to claim 9, Young discloses:

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if said information about said added programs contends with said information about said scheduled programs in whole or part of a time slot, said information about said added programs is combined with said information about said scheduled programs, both of which are displayed while arranged in said two-dimensional program guide screen, in a visually recognizable manner to change said added programs to said scheduled programs (fig. 1 [0063]).

As to claim 10, Young discloses:

said programs are added via a two-dimensional program guide including a time axis and a channel axis for displaying a plurality items of program information (fig. 1).

As to claim 12,

Entwistle discloses:

Said added programs and said schedule programs comprise a first favorite program ('favorite' is defined as 'One that enjoys special favor or regard'; the film continues program enjoys special regard over programs such as sports since the user has chosen to view film continues, fig. 5) and a second favorite program (music is a second favorite program since it is chosen to be viewed over other programs, fig. 5),

Wherein the first favorite program and the second favorite program contend in the same time slot (film continues and music overlap in the time slot, fig. 5), and

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Wherein said display device displays the first favorite program and the second favorite program in a single row (fig. 5, top row) and displays slants (diagonal running through 9:00) that inform a user that the first favorite program contents with the second favorite program ([0015]; [0005-0006]; [0009]; [0012-0013]).

As to claims 13 and 16,

Entwistle discloses:

The first end of the first program comprises a beginning of the first program (film continues, fig. 5),

wherein the first portion of the second program is transmitted after the beginning of the first program (music transmitted after film continues, fig. 5), and

wherein the first break mark (diagonal running through 9:00, fig. 5) indicates that the first program overlaps the first portion of the second program that is transmitted after the beginning of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

As to claims 14 and 17,

Entwistle discloses:

the first end of the first program comprises a ending of the first program (film continues, fig. 5),

wherein the first portion of the second program is transmitted before the ending of the first program (music transmitted before film ends), and

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wherein the first break mark indicates that the first program overlaps the first portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

As to claims 15 and 18,

Entwistle discloses:

Said display device display a second break mark at an ending of the first program (tail end of diagonal of film continues program) to indicate that the first program overlaps a second portion of the second program (tail end of film continues overlaps music program),

Wherein the second portion of the second program is transmitted before the ending of the first program (second portion of music transmitted before end of film continues), and

Wherein the second break mark indicates that the first program overlaps the second portion of the second program that is transmitted before the ending of the first program ([0015]; [0005-0006]; [0009]; [0012-0013]).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shirley Chang whose telephone number is (571) 272-8546. The examiner can normally be reached on 8:30-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SC


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